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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,385	12/04/2000	Steven J. Harrington	D/A0657	7423

62095 7590 10/18/2007  
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EXAMINER
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LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/733,385

Applicant(s)

HARRINGTON, STEVEN J.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9, 10, 12 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10, 12 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the amendment received 7/25/2007.
2. Claims 9, 10, 12, 18, and 19-22 are pending in the application. Claims 9, 12, 18, 19, and claim 21, are independent claims.
3. Claims 9, 10, and 18-22, remains rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al., Pat. Pub. US 2002/0040375.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to independent claim 1, the claim fails to clearly state how the examples of quantitative document intent information are displayed. The limitation states, 'said examples being selectable via said user interface on said *document data*,'. The Examiner is unclear as to how the phrase *document data* further defines the limitation. It fails to make any sense to the Examiner, who suggests the removal of said phrase.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 9, 10, 12, 18-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon et al., Pat Pub. US 2002/0040375 filed (4/3/2001).**

**In reference to Independent claim 9 and 12, Simon teaches:**

A user interacts with the PC via input devices such as a mouse and/or keyboard, and a display monitor. The goal of the optimization is to find a page layout that minimizes the cost function. In the preferred embodiment a simulated annealing approach is used to find an optimal page layout. Furthermore, Simon teaches the cost function is equal to the white space. See page 2, [0047], page 4, [0059] through [0061]. The reference provides instructions for the collection of document data based upon a cost function and the intent information of the creator/user through the use of a display device (compare to “*user interface which collects document data and quantitative document intent information in the form of a document intent vector*”).

Simon teaches that a user, upon reaching an acceptable page layout may choose to store a template of the page layout for future use instead of iterating through page layout subroutine (compare to “*displays examples of the effects of quantitative document intent information, said examples being selectable via said user interface*”). See page 3, [0051].

The reference fails to explicitly state a document intent vector; however, the reference to Simon teaches optimization of page layouts through the minimization of cost functions. As

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recited in the independent claim, the intent vector including document costs as a factor. The process of modifying, scoring, and comparing a new page layout, is determined through the utilization of algorithms. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to have utilized the well known page layout optimization methods which make use cost functions and called this function an intent vector for issuing a optimized page layout. See page 4, [0060] through [0062].

The user, upon reaching an acceptable page layout may choose to store a template of the page layout for future use instead of iterating through page layout subroutines (compare to “*a document editor, generating and the applying said document intent vector to a stored document file*”). See page 3, [0051] through [0055].

The page layout subroutine may take into account the aesthetic considerations of the image page layout. One important aesthetic considerations of the image page layout (compare to “*a document formatter, using said document intent vector to format the document for subsequent display at said user interface*”). See page 3, [0055] through [0056].

**In reference to dependent claim 10**, Simon teaches:

The layout subroutine calculates a page layout of the images on the image page and displays the results on display monitor. At this point, the user can either accept the image page layout or iterate throughout page layout subroutine until an acceptable image page is obtained. See page 3, [0050] through [0051].

**In reference to independent claim 18, 19, and 21**, Simon teaches:

A user interacts with the PC via input devices such as a mouse and/or keyboard, and a display monitor. The goal of the optimization is to find a page layout that minimizes the cost

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function. In the preferred embodiment a simulated annealing approach is used to find an optimal page layout. Furthermore, Simon teaches the cost function is equal to the white space. See page 2, [0047], page 4, [0059] through [0061]. The reference provides instructions for the collection of document data based upon a cost function and the intent information of the creator/user through the use of a display device (compare to “*user interface which collects document data and quantitative document intent information in the form of a document intent vector*”).

Simon teaches that a user, upon reaching an acceptable page layout may choose to store a template of the page layout for future use instead of iterating through page layout subroutine (compare to “*displays examples of the effects of quantitative document intent information, said examples being selectable via said user interface*”). See page 3, [0051].

The reference fails to explicitly state a document intent vector; however, the reference to Simon teaches optimization of page layouts through the minimization of cost functions. As recited in the independent claim, the intent vector including document costs as a factor. The process of modifying, scoring, and comparing a new page layout, is determined through the utilization of algorithms. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to have utilized the well known page layout optimization methods which make use cost functions and called this function an intent vector for issuing a optimized page layout. See page 4, [0060] through [0062].

The user, upon reaching an acceptable page layout may choose to store a template of the page layout for future use instead of iterating through page layout subroutines (compare to “*a document editor, generating and the applying said document intent vector to a stored document file*”). See page 3, [0051] through [0055].

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The page layout subroutine may take into account the aesthetic considerations of the image page layout. One important aesthetic considerations of the image page layout (compare to “*a document formatter, using said document intent vector to format the document for subsequent display at said user interface*”). See page 3, [0055] through [0056].

**In reference to dependent claim 20**, Simon teaches:

The problem of generating an acceptable image page layout that contains n images can be formulated as a combinatorial optimization problem. The most practical way of solving combination optimization problem is to use stochastic algorithms, such as simulated annealing or genetic algorithms. See page 3, [0056] through [0058].

**In reference to dependent claim 22**, Simon teaches:

The goal of the optimization is to find a page layout that minimizes the cost function. See page 4, [0059] through [0060].

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 9, 10, 12, and 18-22, have been considered but are not persuasive.

Applicant argues on page 6 of the amendment that Simon fails to teach or suggest *document intent information as quantitative*. The quantitative intent information is represented in the equation (White Space = 1.0 – total image area \* page area) that is equivalent to the cost function equation as stated in the Simon reference. The reference point out that the trial page layout is then scored by a cost function. The cost function is equal to the white space as defined by equation 1 and the goal of the optimization is to find a page layout that minimizes the cost

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function. The representation is one of quantitative intent utilized by the software subroutine in the document creation system. See Simon, pages 3 and 4. Furthermore, applicant argues on page 7 of the amendment that the reference fails to suggest a *document intent vector*. The Examiner points to the independent claim, which states the following, “*user interface, which collects document data and quantitative document intent information in the form of a document intent vector*”. Also, the claim states, “*said document intent vector including document costs as a factor which represents the intents*”. As presently claimed, the phrase ‘which represents the intents’ fails to accurately point out how the use of the cost function relates to the design of the document. Also, the Examiner is interpreting the phrase ‘*document costs as a factor*’ broadly and thus believes the reference provides a cost function that is calculated through the formula represented in equation 1. The formula includes document data and quantitative document intent information. Finally, applicant argues that Simon fails to disclose or suggest document intent information at all. The job of the page layout subroutine is to fit a given number  $n$  of images on a given image page to obtain a suitable page layout using a predetermined criteria. The Examiner believes the phrase ‘quantitative document intent information’ fails to preclude the examiner from utilizing the predetermined data taught in the Simon reference and more specifically, the cost function analysis, to suggest ‘quantitative document intent information.



***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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